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ABSTRACT

This manual presents a collaborative "situational negotiations" approach to collective bargaining. After a brief introduction, part 1 describes the traditional adversarial bargaining model, using a case study from a medium-sized school district in the state of Washington to illustrate how the aftermath of confrontational bargaining is likely to be marked by grievances, poor staff morale, and continued distrust between employees and the school district. Part 2 describes the "Interest Model" of collaborative bargaining, which aims at achieving a mutually acceptable agreement based on shared principles. A case study from Ketchikan, Alaska, illustrates one such approach, where bargaining is based on a preamble (included in the text) setting forth common principles based on students' best interest. Part 3 outlines the proposed "Situational Negotiations" approach to bargaining, which incorporates a four-stage strategy for resolving conflicts of interest that might otherwise thwart a collaborative bargaining process. Schematic charts illustrate this model, and examples of its use are provided. (TE)

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INTRODUCTION

With the publication of "Getting To Yes" by Roger Fisher and William Ury, individuals and groups have been deluged with seminar and workshop brochures urging the reader to "get with it" and enroll in one or two-day training programs guaranteed to make participants "collaborative" bargainers.

Following the trend, state education associations have provided training in the use of collaborative techniques in bargaining to their UniServ councils. Now, local units are proposing "collaborative committees" on specific teacher concerns, with emphasis on school board member participation and "codetermination" of recommendations by the teacher group and school board representatives. The recommendations from the collaborative committee then become collective bargaining subjects.

Unfortunately, many of these collaborative committees have broken down into squabbling over each other's motivation and procedural technicalities, charges of manipulation and even disagreement over the very concept of collaboration.

Simply put, a commendable idea -- aimed at harmonizing the bargaining relationship -- has been caught up in a web of controversy.

Recognizing the growing frustration among sincere people, this manual has been written to (1) explain the bargaining process through the use of case studies; (2) introduce a new model called the "Situational Negotiations Approach to Bargaining"; and (3) suggest methods that are essential to successful collaborative efforts.

PART I — THE TRADITIONAL BARGAINING MODEL: 'THE GIVERS AND THE TAKERS'

by Jerry Gates

The traditional bargaining model finds its origin and structure in statutory authority obligating public school districts to bargain collectively with certificated employees.

Traditionally, bargaining under this model is characterized by the union initiating bargaining through presentation of formal written contract proposals, many of which are national, state or regional bargaining goals. Upon receipt of the union's proposals, management assesses the impact of such proposals on its authority and ability to make decisions; a school board frequently views a collective bargaining agreement as an erosion of its function as the school district's elected policy maker.

Bargaining in this traditional setting is adversarial in nature; the union's purpose is to share power with the school board. The method of achieving shared power is through what one union training manual calls "cutting the issue", or personalizing the issues. Rather than discussing the merits of issues at the bargaining table, the field of confrontation becomes the community, faculty rooms, public board meetings and the local newspaper. The strategy is to focus and control employee frustration and community concern so that a "crisis" in bargaining is created. The school board and administration is characterized as unfair, unfeeling, resistant to change and insensitive to the needs of employees. The theory is that when the pressure is the greatest the union will win concessions from management simply because management's will to resist is weakened.

The aftermath of confrontational bargaining is likely to be marked by grievances, poor staff morale, and continued distrust between employees and the school district.

A classic example of this process occurred this past year in a medium-sized school district in Washington state. A collective bargaining agreement with certificated employees had been in existence for a number of years. Bargaining had been conducted between the superintendent and the association's chief negotiator. Through a series of informal meetings, issues were discussed until a settlement was reached, the settlements granting maximum state-allowed salary increases and other changes in wording in the agreement.

The process was viewed by the parties as quid pro quo, with each party feeling that gains had been made while preserving the integrity of each party's interest. Underlying the process was a shared assumption that the collective bargaining agreement was of secondary importance to the overall educational program of the district. This shared assumption was the foundation upon which the player's integrity and trust built a structure for win/win problem-solving. In the winter of 1983-84, however, the union leadership decided to back away from the collaborative approach and began organizational efforts to win contract concessions.

Typical of this approach was a school board candidate questionnaire that asked questions like, "Do you support public employee collective bargaining?", "Do you support binding arbitration of grievances?", "How do you feel about merit pay?", and "What do you believe to be the greatest weakness of the X school district?" This questionnaire was used in conjunction with interviews between prospective board members and local union leaders. Because of the association's evident organi-

zational efforts and clear change in its leadership philosophy, the school board removed the superintendent from bargaining and established a board team of a professional negotiator, a building principal and the district deputy superintendent -- the latter team member to serve as information liaison between the board and the district negotiations committee.

Shortly thereafter the association presented a lengthy bargaining issue survey to its membership and in May submitted to the school board a list of twenty-two bargaining items with the explanation that the items were the membership's priorities. While the association representatives would not prioritize the twenty-two demands, it became clear after several meetings that the important issues were personal leave, binding arbitration (an issue identified in the board candidate questionnaire), agency shop, association leave, class size, reduced work year and deletion of a requirement that teachers continue to earn college credits; and among those issues, binding arbitration was clearly the association's primary goal.

Bargaining progressed slowly over the summer months with delays to accommodate association representative vacation schedules and state teacher association meetings and conferences.

In August school opened and bargaining continued to move slowly, with twenty of the association's demands still on the table even though binding arbitration and several other concessions had been offered by the district in package proposals to the association. In September, association leadership began meeting each building staff in the district, distributing post cards to be filled in, signed, and sent to board members demanding the board bargain in good faith. Teachers were encouraged also to call board members and ask "just what is going on". Soon thereafter the association bargaining team met with association members to assess the rank and file's "will to win". The staff was presented with a list of options that included the following:

-- Attend all board meetings - ask for a chair and an agenda.
-- Write additional cards and letters.
-- Strike to retain rest of package items.
-- Work slow down.
-- Teachers enter and leave school together at the beginning and end of the contracted day.

The Association president meanwhile held several press conferences with the local newspaper and radio station to discuss the "crisis" in bargaining. Letters to the editor from teachers and community members began to appear in the newspaper. The thrust of letters generally called upon the school board to resolve bargaining as soon as possible.

The association membership newsletter ran several articles critically questioning the superintendent's relationship with staff.

In mid-October bargaining was still not completed and at a regularly-scheduled board meeting approximately half of the teaching staff were in attendance. Following the meeting board members received letters from teachers demanding the entire board meet directly with the teacher negotiators. In late October the parties began mediation. The first session was unproductive but bargaining was completed a week later; the latter session marked by informational picketing by local teachers and teachers from neighboring towns. The District held fast to its parameters of not agreeing to agency shop, contract required

class size, expanded association leave, deletion of required professional preparation and shortened work year. Additionally, the District bargained a strong management rights clause, a no-strike provision, and three-year agreement. The major concession made by the District was binding arbitration with carefully drafted restrictions on the arbitrator's authority and power.

Subsequent to bargaining the association filed a series of grievances, most of which were unrelated to the collective bargaining agreement.

In the aftermath, the board's assessment of bargaining was that the association had put union goals before the educational program of the district; and many of the teachers of the district felt that little that affected the average teacher was gained by "hard" bargaining. The association, however, declared a victory.

Clearly, the consensus of teachers, board members and administrators was that confrontational bargaining was much like elephants' mating: the results seem disproportionate to the time and noise in the process.

PART II — INTEREST OR COLLABORATIVE BARGAINING MODEL

by Randy Bohannon

The Interest Bargaining Model or collaborative bargaining approach states that the problem is the adversary rather than individuals and their stated positions. A mutually acceptable agreement is the mutual focus and desired outcome. Ideally, the method allows the parties to reach a consensus on a joint decision without the transactional costs of digging into ego-involved positions which are difficult to move off of.

With the focus on the problem rather than persons and positions, it is the problem which capitulates. The parties collaborate or cooperate in the resolution and therefore the likelihood of a durable and amiable settlement can be greater than in the conflict model.

The bargaining process is different from the win-lose conflict model. A written principle or set of principles is agreed upon as a criteria for judging the fairness of the outcome. These early decisions to establish the written principles are most important in that mutual interests must be discussed, a consensus reached and a written statement developed. Often the mutual interests or lack thereof are the stumbling block of other negotiations models.

Proposals must be written solutions to the real local problems rather than positions or objectives from elsewhere and must deal directly with the real problem, not camouflage organizational goals or motives. Discussions must be open, direct, informal and must avoid personalization or politicization of the "issues".

This model can lead to an agreement which is a set of "solutions" to local problems and is wise, durable, effective and amiable.

Durability of The Agreement
Measurement of Success

The key element in any model is the measurement of success. Most often both parties perceive the results of bargaining according to the relative frustration or amicability associated with the settlement. The only true yard stick is the durability of the contract settlement in terms of operational effectiveness. Some level of frustration vented may in fact be a positive thing in the long term. Amicability may be a desirable result, but must not be the major indication of perceived success in reaching agreement on a problem. Expediency may also lead to quick "deals" which are not long term solutions at all but ill thought out agreements which are not durable. Such can heighten the bargaining conflict over the long term because both parties may feel "had".

Bargaining for the 1983-85 collective bargaining agreement in Ketchikan, Alaska was in the traditional win-lose adversarial mode. The union had presented a list of some 75 demands. The school district presented about ten. The parties quickly became involved in a pitched battle over positions and egos. "Gotcha" was the primary activity of the bargaining table. Before long, the news media was printing accusations and counteraccusations. The already strained relationship between union leadership and the local administration was almost shattered. An armed truce was finally signed after a marathon one-on-one confrontation.

For the 1985-87 negotiations, the District decided to change the mode. The union was sympathetic but suspicious.

The first step was for the District to prepare a set of ground rules which identified the setting for bargaining. As finally agreed to, these rules stated in part:

1) Sessions shall be outside of school hours; generally from 4:30 to 10:00 p.m.
2) Sessions shall be open to the public;
3) Neither team would negotiate in the news media;
4) At any time either party could request and would receive a written statement of the other's position.

The parties then began discussion on a preamble which went as follows:

DISTRICT PROPOSAL 2-28-85

Preamble

"Let it be known that both parties concur and do hereby enter into this agreement with the avowed purpose of creating an environment for student learning. The guiding principle of this Agreement is to do what is best for children and their education."

ASSOCIATION PROPOSAL 3-21-85

"In order to pursue excellence and efficiency in education, we enter into this agreement for the purpose of minimizing professional conflict by defining the terms and conditions of employment and reasonable procedures for resolution of contract disagreements. This principle frees everyone to do what is best for children."

DISTRICT PROPOSAL 3-28-85

"In order to pursue excellence and efficiency in education we enter into this agreement for the purpose of defining certain terms and conditions of employment and reasonable procedures for resolution of contract disagreements.

"The guiding principle of this Agreement is to do what is best for children and their education."

ASSOCIATION PROPOSAL 3-28-85

Preamble

"In order to pursue excellence and efficiency in education we enter into this agreement for the purpose of defining certain terms and conditions of employment and reasonable procedures for resolution of contract disagreements.

"The guiding principle of this Agreement is to free everyone to do what is best for children and their education."

In sum, then, during the discussions to arrive at this simple preamble, as evidenced by the proposals, the parties focused in a fairly open and direct manner on the interests, motivations, and mutual level of trust. The focus of bargaining content has changed significantly toward more emphasis on mutual issue resolution and less on positional intransigence. The ego conflict is essentially gone. The principle of what's in the best interests of kids as a standard has been an extremely useful catalyst to focus the need for agreement.

PART III — SITUATIONAL NEGOTIATIONS APPROACH TO BARGAINING

by Chuck Namit

Here is the dilemma: If you consider only the two previous models that have been presented, the practitioner is literally forced to choose between the Traditional Bargaining Model (win-lose) which is linked by implication to the past, or embraces the newer Interest Bargaining Model (win-win or collaborative approach) which is equated with a progressive, problem-solving method of negotiations.

If the Traditional Model is selected, the parties may be open to the criticism that the process is confrontational. On the other hand, the parties may adopt the Interest Bargaining Model and soon stumble when tough issues are faced.

At this point, too strict a reliance upon either model may not provide an answer. If an impasse is reached, the parties may throw up their hands and ask: Is there an answer? Does the process inevitably deteriorate into self-interest and squabbling? Why is there distrust? Bad employee/employer relations? Impasses? Strikes?

The answer to these questions is that unrealistic expectations can disable the negotiations process. It may even come to the point where each party doubts the other's sincerity. Fault-finding and blaming may ensue. Although the parties may earnestly want to adopt an Interest, or win-win bargaining approach, they may be destined to failure because neither party has the experience, correct motivation, or trust level needed to make it work.

Many experienced negotiators and dispute resolution experts argue that the negotiations process is much more complex than simply adopting or co-opting a model that is highly popular.

In point of fact, successfully "bridging the gap" between the traditional approach and the popular win-win approach depends on, and is directly affected by, four basic negotiations factors:

(1) The degree of trust level developed between the parties;

(2) The motives of the parties within the bargaining relationship;

(3) Realistically assessing the bargaining stage or setting of the parties; and,

(4) The degree of flexibility in adopting various bargaining styles and strategies.

To explain the significance of these vital factors in the negotiations process, the author has adapted a well-established and respected leadership model developed by Kenneth H. Blanchard and Paul Hersey called the "Situational Leadership Model."[1]

Blanchard and Hersey found in their research that a single, rigid leadership method or style did not fit all workplace situations. They found, for example, that a laissez faire management style applied to an unskilled or inexperienced employee did not provide enough direction, correction or praise, and would ultimately end in failure. On the other hand, too directive or restrictive a management style when applied to a highly-skilled, experienced and independent subordinate was perceived as repressive and stifling.

In sum, then, the research indicated that the leadership or management style was most effective when the manager evaluated and then modified or changed his/her style to fit the workplace situation and motivation of the employee. A goal, however, of the effective manager, was to provide growth opportunities for the subordinate through skill development and successful experience.

In like manner, negotiators and/or negotiation teams that adopt a single inflexible style, mode or approach to bargaining, tend to limit the possibilities of success and insures unreal expectations. Drawing on Blanchard, Hersey and others, "Situational Negotiations Approach to Bargaining" has been developed as an aid to identifying, evaluating and selecting an appropriate bargaining style and strategy to fit the various negotiation situations.

The Four Bargaining Settings or Stages

The employer's recognition of a union is merely the initial stage in an ongoing relationship between the parties. The degree thereafter, in which the parties begin to cooperate and work together varies from situation-to-situation. Many times it is directly dependent upon the initial bitterness engendered during the establishment of the bargaining relationship.

Indeed, in some bitterly-fought recognition and initial-contract bargaining rounds, the parties may never evolve past the first stage or setting of bargaining.

A pioneering study in the identification of various bargaining stages or settings was done by Bevars Marbry[2]. His study described four basic stages or settings, which included (1) conflict, (2) containment, (3) accommodation, and (4) cooperation. But first, before discussing the various stages or settings, a note concerning the model terminology. Whenever the term "stages" is used, it refers to the historical development or evolution of the bargaining relationship. Many times this development is in direct proportion to the existence of the agreement (the longer the existence of the contract, the greater chance that the parties have moved through a number of stages of development). In like manner, whenever the term "settings" is used, it refers to the level of bargaining or scenario in which the parties find themselves, either as a unit, or issue-by-issue. For example, the setting can be retrograded from a type of collaborative (problem-solving) bargaining to a more confrontive setting, and of course, vice versa.

Bargaining Setting One/Or The Conflict Stage:

This stage usually exists at the beginning of a bargaining relationship. It is characterized by the employer trying to maintain control of the operations and program, while the union reciprocates with aggressive action, in order to be recognized and then to strengthen its position.

The union makes many tough demands and the parties' interpersonal and professional working relationship is at a low ebb. Basically, the relationship could be termed "warfare," with a high degree of distrust on both sides. The union's motivation is to establish its presence in the membership's eyes through a negotiated contract, while management's motivation is to keep control and "cut its losses" by limiting the contract provisions that would restrict its management rights.

In many ways, the motivation for the union's confrontational and aggressive behavior is two-fold: (1) through the organizational aspect of the union campaign for recognition they are "carving out" a political niche for themselves and their membership; and (2) although the union has established a "foothold" they are uncertain and insecure in their newfound power base.

On the other hand, management sees that the relationship with its employees has changed. Indeed, for some it is the first real sharing of power. Management may also see the union as a "wedge" between itself and its employees.

At this stage, the parties usually negotiate "meat and potatoes" or hard bargaining issues such as salary, fringe benefits and security provisions.

Even though a contract may have been in existence for a relatively long period of time, the parties may return to this bargaining setting when "hard" issues are brought to the table. For example, "hard" bargaining issues such as contract take-backs, escalation of demands, reduction-in-force or a wage freeze typically act as a catalyst and force the parties to a more confrontational mode of bargaining. Simply put, the union must take a tough stand on hard issues, in part, out of concern for its membership economic well-being, and for political purposes. The union cannot be seen as "knuckling under" to management nor can management bargain away its authority on matters inherently within managements rights. However, on other issues, the parties may be at various other bargaining settings or stages.

Bargaining Setting Two/The Containment Stage:

This stage of bargaining has been characterized as one of "armed truce." The employer, perhaps grudgingly, recognizes that a relationship with the union will be a long one. The union also recognizes the need to learn to live with the employer and begins to moderate its demands and rhetoric. However, mutual suspicion and distrust from earlier conflicts still remains. Moreover, some union bargaining goals -- many of them are regional and statewide in nature -- still remain, and may be pressed as the union's "unfinished" agenda.

As with bargaining setting one, the parties may have had an agreement in place for a number of years,

In fact, the parties may be at another stage or setting, but return to this setting when new union statewide issues surface, such as a shorter work day or additional pay for staff development days. On these issues, the union may take a "must have" stand, while the school board may take a rigid stand to maintain the work year and "contain" union demands on staff days. This scenario usually ends in both parties becoming more confrontational.

Bargaining Setting Three/The Accommodation Stage:

This stage or setting is reached when both parties attempt to achieve an agreement by utilizing reason and persuasion, rather than engaging in economic warfare that tends to create feelings of ill-will or injustice. Typically, this stage or setting is attained when the parties begin to focus on local issues as opposed to regional or statewide issues. The employee demands are at a moderate-to-low level, while emphasis is placed on building a relationship recognizing one another's needs.

Bargaining Setting Four/The Cooperation Stage:

At this stage or setting, collaborative behavior is at its highest level. The trust level is high and the motivation of the parties is to problem-solve. Typically, issues are dealt with as they arise, rather than in formal bargaining sessions.

The relationship is viewed as of paramount importance. Demands are typically at a low level of emphasis, while the parties primarily deal with local issues. The style of communication is open and direct with informal discussion of real problems.

Some Examples That Illustrate The Model

A number of examples will be given to illustrate the model on page 12. The first example is from private industry, followed by a number from the public sector. Although in each example, the bargaining relationship has been established over a period of time, the parties moved through various settings in a single round of bargaining.

In 1982, the country was in the grip of a recession. Ford Motor Company and the UAW were involved in hard bargaining over a successor contract. Each had its needs. In terms of our model, the parties had reached the "Accommodation Stage" (Setting 3); recognition of each other was the key to survival in a competitive industry.

Fearing a reduction-in-force, the union switched its emphasis to member needs by moving from wage increase demands to job security issues. The company faced increasing labor costs with a falling profit margin due in large measure from Japanese competition.

Even though the parties had bargained collectively for over thirty-five years, industry experts predicted conflict. In terms of the model, the parties had reached Setting 3 (Accommodation Stage). Because of their mutually exclusive needs, they undoubtedly would have to move to Setting 1 (Conflict Stage), since a strike was imminent. However, in an industry where strikes are a common occurrence, the parties moved from the predicted Conflict Stage 1 to Setting 4 (Cooperation or Collaborative Stage).

The difference in the bargaining relationship proved to be that each party focused on the other's need as opposed to taking rigid positions and letting the inevitable happen. For example, Ford needed to improve its financial position to compete with foreign car invasion; the company needed and received work rule and contract "take backs."

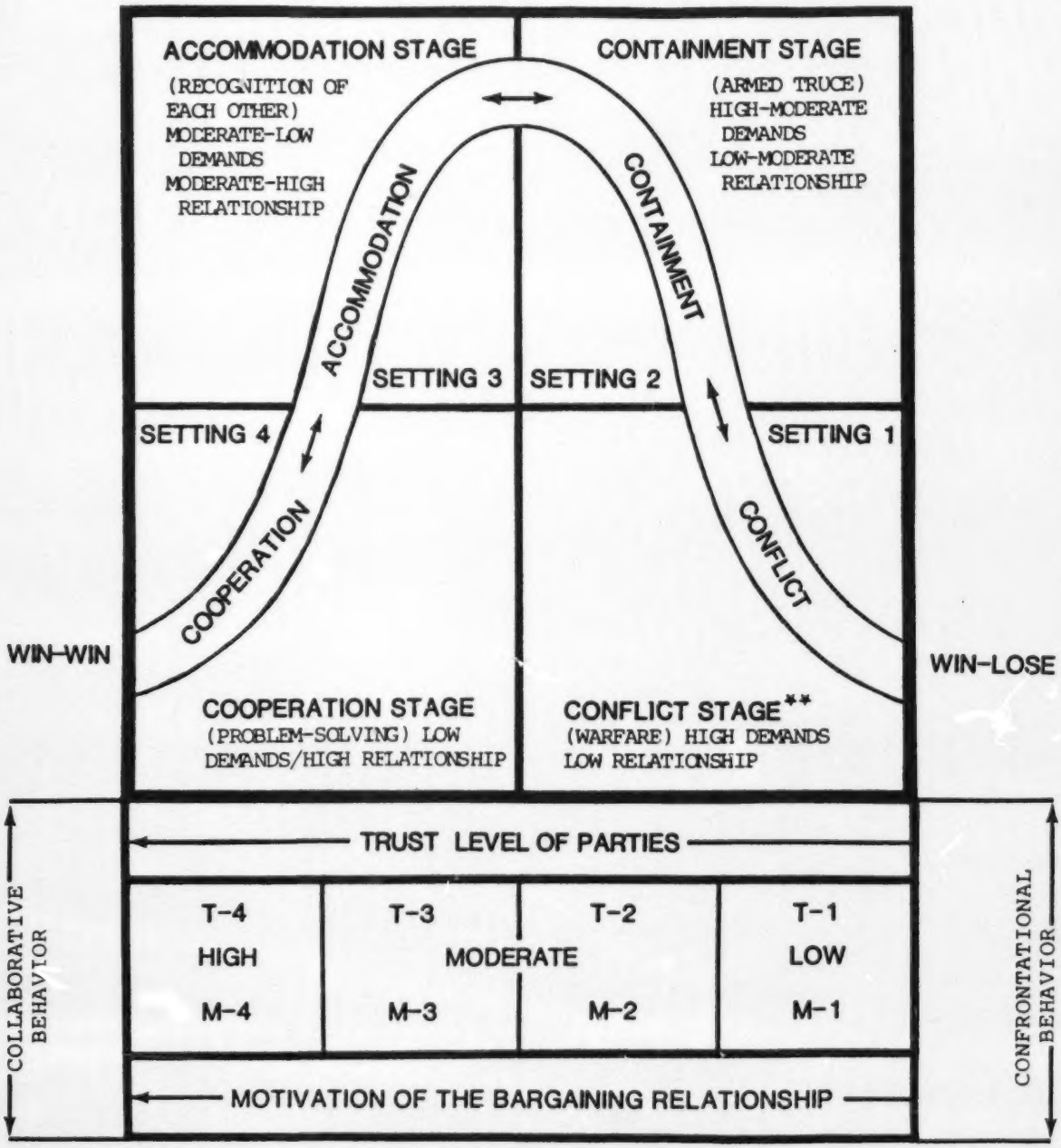
The union, on the other hand, feared a falling trend in union membership. To stem this trend they needed to "save" its members' jobs. The union received pledges from the company of job security at certain plants, and commitments for retraining of laid-off workers.

In summing up the historic bargaining round, Peter Pestillo, head of Ford's labor relations observed:

> "Today's work force is better educated, and expectations are greater . . . so management must do a lot more selling of ideas, rather than mandating performance."

SITUATIONAL NEGOTIATING APPROACH TO BARGAINING*

(MOST NEGOTIATIONS CREATE A VARIETY OF SITUATIONS WHICH CAN DIFFER ISSUE-BY-ISSUE AND UNIT-BY-UNIT. FOR EACH SITUATION, FIT YOUR NEGOTIATIONS STYLE TO CORRESPOND TO THE APPROPRIATE BARGAINING STAGE OR SETTING ON THE MODEL BELOW.)



NOTE:

* Adapted from a model presented in Kenneth H. Blanchard and Paul Hersey's book MANAGEMENT OF ORGANIZATIONAL BEHAVIOR: UTILIZING HUMAN RESOURCES (4th Edition, Englewood Cliffs, N.J.: Prentice-Hall, Inc. 1981).

** Adapted from Bevars B. Mabry, LABOR RELATIONS AND COLLECTIVE BARGAINING (New York: The Ronald Press, Co., 1966, pp.66-67).

THIS MODEL HAS BEEN DEVELOPED BY THE MANAGEMENT INFORMATION AND TRAINING SERVICE. ALL RIGHTS RESERVED.

Turning now to the public sector, here are a few examples of bargaining scenarios that demonstrate the Situational Negotiating Approach To Bargaining. School negotiations is one of the most active and confrontative bargaining arenas. Some experts have compared public sector bargaining at this stage of its development to private industry negotiations in the late 40s or early 50s. During that time "containment" was the policy of the day. Be that as it may, national and state education associations are becoming more creative in their bargaining demands. In this light, we'll examine three different negotiations, and apply the model to each.

The first two examples are found in Parts I and II. In Part I, the Traditional Model, the education association made a decision to move away from a Cooperative or Collaborative Stage (Setting 4) to one of Conflict (Setting 1).

The apparent motivation of the education association was to move to a bargaining setting in which the association leadership could "define" or "cut" the issues. The primary focus was to move from a local issue orientation to statewide bargaining goals, such as agency shop, class size, association leave and binding arbitration. A secondary, but very important goal, was to simplify the bargaining relationship for the teaching staff: specifically, it was delineated as a caring teaching staff v. an unfeeling administration and school board.

Although some of the statewide issues were included in the new contract, the process of restoring the relationship and rebuilding the trust level must be begun anew. Typically, in this scenario, the parties are at the Containment stage or Setting 2. By and large, this setting will continue until an emphasis again is placed on local issues and the local labor/management relationship.

In Part II, the bargaining process in Ketchikan, Alaska began in an adversarial mode, with the union proposing 75 demands. Charges and countercharges were made, with both sides prepared for battle in a typical Conflict Stage or Setting 1.

This scenario could have been identical to the one described in Part I, except that the district took a bold step and proposed a preamble aimed at establishing a "mutuality of interest"; a written set of principles that established criteria for judging the fairness of a bargaining proposal. Clearly, this approach moved the parties into a Cooperative Stage or Setting 4. As a result, communication became open and informal and a mutual level of trust was developed.

As was mentioned earlier, education association demands are becoming more creative. Faced with federal and state governmental budget short-falls, or salary caps on negotiations, the association is requesting extra pay for extra days. Typically, the boards counter propose incentive or merit pay. To the unions this is anathema. Usually at this point, if the parties persist in their positions, a negotiations deadlock or impasse is declared. No matter if the parties have reached an Accommodation or Cooperation Stage or Setting, when dealing with this issue, the parties can easily move to a more confrontational setting.

Faced with such a stalemate, some school districts have "unfrozen" locked positional bargaining scenarios by "refocusing" on each other's need.

An example of this refocusing technique was used in the Steilacoom School District, in Washington State's Puget Sound area. The education association wanted the extra days and extra pay; incidentally, this demand had received wide circulation on the Washington Education Association (the statewide parent organization) bargaining "wish list." The District favored an "incentive plan." Association's response was "no way." Although the District had experienced a bitter strike two years earlier, the parties had worked at developing a better

bargaining relationship. By most accounts, the relationship had reached The Accommodation Stage or Setting 3. In fact, on other issues during this round of negotiations, the parties remained at Setting 3 (The Accommodation Stage).

To avoid an impasse on this issue, the District superintendent invented the name "Mutual Benefit Plan"; a name designed to "refocus" attention on the real need: employees wanted and got more money and the District desired and received more and better teacher involvement in curriculum and staff development. An important by-product was an improved curriculum with a better educational product. Obviously, had the District and Association maintained their respective bargaining positions on this issue, the parties most assuredly would have moved to a more confrontational arena -- perhaps back to Setting 2 or 1. As it was they moved to a more cooperative bargaining arena of Setting 4, the Cooperative or Collaborative Stage.

Charting Your Appropriate Negotiations Style

Without question, most people involved in the negotiations process desire to be a cooperative or collaborative bargainer. However, in reality, various situations may dictate that another setting is more appropriate to fit individual circumstances. As the examples cited earlier demonstrate, the effective negotiator recognizes and then adapts his/her approach or style to take into consideration such things as motivation of the parties, trust level, organizational and individual needs, interests and concerns.

In point of fact, the Situational Negotiations Approach to Bargaining encourages the bargainer to develop a "full repertoire" of bargaining responses to fit various situations. As the dictionary defines "repertoire": it is the utilization of "the entire stock of skills, techniques, or devices existing in a particular field."

To assist you in determining the appropriate negotiations or bargaining setting, stage or style, the table on page 15, entitled "Charting Your Negotiations Style", describes typical behaviors in Setting 1 (Conflict Stage) and Setting 4 (Cooperative Stage).

Elements of Bargaining Descriptors

As the charting table indicates, bargaining Settings 2 and 3 vary by degree from the two extremes that have been detailed. Moreover, for purposes of clarification, the bargaining descriptors are further broken down into three elements, which are described briefly below:

Motivation Element Of The Bargaining Relationship: At Setting 1 (Conflict Stage) the attainment of national, state and regional bargaining goals are of paramount importance to the education association. In like manner, the importance of the local bargaining relationship is down played. At the opposite end of the spectrum, Setting 4 (Cooperation Stage) emphasizes local issues with problem solving techniques highly developed and in place, since national, state and regional goals have been resolved. However, if such issues surface, a great deal of care is taken by the parties to preserve and nurture the local relationship and trust level. An example of this care was shown in the Steilacoom School District bargaining scenario discussed earlier in this presentation.

CHECKING/CHARTING YOUR NEGOTIATIONS STYLE

	SETTING 4 COOPERATION STAGE	SETTING 3 ACCOMMODATION STAGE	SETTING 2 CONTAINMENT STAGE	SETTING 1 CONFLICT STAGE
A. MOTIVATIONAL	1. Solving local problems (Local to State) 2. Shared assumptions regarding purpose of public education 3. Recognize benefits of mutual decision-making.	NOTE: Stages/Settings 2 and 3 vary by degree from the two extremes -- confrontative behavior at 1, on the one hand, and collaborative behavior at 4, on the other hand. In general, as regional and statewide issues are resolved, the parties tend to focus locally and deal with issues almost exclusively in an informed and open basis. However, the parties may return or advance to various stages or settings on an issue-by-issue basis, depending upon the degree of hardness of any particular issue.		1. Union organizing (National/ State down to local) 2. Statewide self-interest agenda 3. Maintenance of unilateral decision-making authority
B. DECISION MAKING	1. Shared decision-making Local decision-making 2. Full disclosure to, and involvement of, individual union members. 3. Realistic expectations			1. Decision made externally (regional or state level) 2. Union leadership info manipulation (little democracy in decision making) 3. Development of false expectations
C. BARGAINING PROCESS	1. Issue resolution 2. Priorities established at local level 3. Informal discussion of real problems 4. Quid Pro Quo (win/win) 5. Written principles agreed upon at beginning of process 6. Open discussion (emphasis on solving problem) 7. Style/conduct is open and direct and remains at the bargaining table 8. No manipulation of timelines/ mutual avoidance of crisis bargaining 9. Mutual emphasis on agreement is desired outcome.			1. Issues personalized and polarized 2. Priorities established at state/national level 3. Laundry list of demands formally presented -- real issues hidden 4. Quid Pro "shaft" (win/lose) 5. Expediency controls (any means to the end) 6. One bargaining spokesman (emphasis on verbal skills) 7. Style/conduct is confrontational (process becomes public/political posturing) 8. Bargaining relies on coordinated bargaining, pressure tactics, crisis creation & manipulation 9. Insistance on capitulation to a position.

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Decision-Making Element: At Setting 1 (Conflict Stage), decision-making for the education association is made externally at the regional or state level. As Association organizational manuals clearly state, the least democracy is the best -- development of a few vocal leaders is the goal. A good example of this approach can be seen in Part I, the Traditional Bargaining Model.

Decision-making at Setting 4 (Cooperation Stage) is characterized as participatory, with emphasis on developing local consensus among staff and administration.

Bargaining Process Element: At Setting 1 (Conflict Stage), a great number of demands are presented formally at the bargaining table and in the community with little concern for the relationship. Typical of this style of bargaining is a Quid Pro Shaft (win-lose) approach, which relies on pressure tactics, crisis creation and issue manipulation. Above all, issues become public and political, with a teacher v. administration style of issue presentation.

At Setting 4 (Cooperative Stage) the parties establish local priorities with an emphasis on problem-solving techniques. There is no manipulation of timelines and avoidance of crisis is a high priority. Concomitant with this, the local relationship is valued, and care is taken to develop and nurture the trust level of the parties. Many times, agreed-upon written principles can guide the bargaining process.

Three-Step Method For Using Style Chart

The Situational Negotiations model and charting table can be implemented by following the steps below:

Step 1: An important factor in understanding the bargaining relationship is a realistic assessment of the bargaining setting or stage of the parties. Once this is accomplished, a high degree of flexibility must be adopted in adapting or applying appropriate bargaining styles or strategies to the particular situation.

Step 2: To determine the appropriate bargaining style or strategy, use the charting table, with the two descriptors, as a guide. Since the descriptors identify the two extremes -- Setting 1 (Conflict Stage) to Setting 4 (Collaborative Stage) -- use them as your parameters. If your appropriate bargaining setting falls between the extremes (Settings 2 or 3), reread page 10 to determine which one of these intermediate settings most closely identifies your current bargaining setting.

Step 3: Once you've identified the appropriate bargaining setting, use the model on page 12 and the charting table on page 15 with its descriptors to pin-point bargaining behavior and form the basis for discussions to:

(a) EXAMINE and set a strategy to remedy problem areas (could be outside the negotiations arena);

(b) ASSIST the district negotiating team in formulating bargaining objectives aimed at moving to more collaborative behaviors; and

(c) USE the model and charting table as a training device to establish and guide a "focus group" made up of administrators and teacher bargainers toward recognizing each other's interests and needs and moving to more collaborative behavior.

Parting Observation

As we have emphasized throughout this manual: Bargaining behavior -- because it is human behavior -- is very complex.

Despite the efforts by education associations to stress collaborative bargaining as a "new" and approved method of negotiating, unless the parties have developed their relationship and trust level, it may be a thinly veiled disguise of efforts to manipulate the bargaining process for their benefit alone.

As one UniServ director observed at the bargaining table, in a telling moment of honesty:

> "I'll win-win bargain when it suits my purpose, and do whatever else I need to do to get what we [the education association bargaining team] want."

Although one must doubt his sincerity, parties who have reached a collaborative stage or setting in bargaining seem to have adopted many of the following characteristics:

1. Realistic Assessment of Their Bargaining Stage, Setting or Style. This assessment is used as a bench mark. Once this is done, the parties can establish priorities for collaborative efforts.

2. Durability of The Agreement is The Measurement of Success. The "Quick Deals or Fits" tend not to be long-term solutions, but rather sources of frustration. So think through the real problem and deal with individual and organizational needs, concerns and/or interests.

3. Written Principles Tend To Provide The Parties With a Focus. Moreover, they tend to "unfreeze" locked positional bargaining scenarios.

4. Development of Local Trust "Capital". Trust must be built up. The process can be compared to a savings account. Unless you've built up savings capital (or trust capital) it's difficult to "draw out" when needed. Trust can not be injected into the local relationship from outside, like some "super vitamin shot" to make the relationship strong and vital.

5. Mutual Interests Essential to Agreement: If you don't have such mutual interests, it may be very difficult -- if not impossible -- to reach a consensus or win-win decision.

For as John Kennedy observed: "Civility is not a sign of weakness, and sincerity is always subject to proof."

The proof in developing collaborative efforts is how each party treats the other over time.

Footnotes:

[1]Kenneth H. Blanchard and Paul Hersey's book MANAGEMENT OF ORGANIZATIONAL BEHAVIOR: UTILIZING HUMAN RESOURCES (4th Edition, Englewood Cliffs, N.J.: Prentice-Hall, Inc. 1981).

[2]Bevars B. Mabry, LABOR RELATIONS AND COLLECTIVE BARGAINING (New York: The Ronald Press, Co., 1966, pp. 66-67).